

PATENT  
Customer No. 22,852  
Attorney Docket No. 08442.0002-04000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
**Joseph C. CAUTHEN** ) Group Art Unit: 3738  
)  
Serial No.: **10/085,040** ) Examiner: U. Chattopadhyay  
)  
Filed: **March 1, 2002** )  
) Confirmation No.: 8078  
For: **INTERVERTEBRAL DISC** )  
**ANNULUS STENT** )

**MAIL STOP AMENDMENT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In a restriction requirement dated July 1, 2005 the Examiner required restriction under 35 U.S.C. § 121 between:

Group I, subspecies A, directed to a device having at least one extension of substantially uniform thickness; and

Group I, subspecies B, directed to a device having at least one extension which is thicker adjacent to the main body portion than at a location lateral to the main body portion;

Group II, subspecies A, directed to a device having first and second extensions which lie in the same reference plane when the extensions are undeflected; and

Group II, subspecies B, directed to a device having first and second extensions which lie in reference planes oriented 60 degrees to each other when the extensions are undeflected.


Applicant provisionally elects with traverse to prosecute subspecies A of Group I and subspecies A of Group II. Accordingly, Applicant requests examination of elected claims 102-107, 109-133, 137-139, 141, 142, 145-149, 151-175, and 179-181 which read on the elected species of the present application. Claims 108, 134-136, 140, 143, 144, 150, 176-178, and 182 are hereby not elected, but may be subject to reinstatement at a future time. Applicant notes with appreciation the Examiner's indication that independent claims 102 and 141 are generic. Applicant believes that, in addition to independent claims 102 and 141, at least claims 106, 114, 130, 148, 156, and 172 are also generic to the present invention, though Applicant believes that other claims may be generic to the invention as well.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 4, 2005

By:   
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